



Bolivia

Country Reports on Human Rights Practices - [2001](#)

Released by the Bureau of Democracy, Human Rights, and Labor

March 4, 2002

A constitutional, multiparty democracy with an elected president and bicameral legislature, Bolivia has separate executive, legislative, and judicial branches of government, with an attorney general independent of all three. President Jorge Quiroga of the Nationalist Democratic Action Party took office in August after President Hugo Banzer Suarez resigned due to serious illness. The governing coalition controls both houses of the legislature, holding 19 of 27 seats in the Senate and 66 of 130 seats in the Chamber of Deputies. Coalition members hold the top leadership positions in both chambers. The executive and legislative branches suffer from corruption and inefficiency to some extent. The judiciary, while generally independent, also is corrupt and inefficient.

The National Police have primary responsibility for internal security, but military forces can be called upon for help in critical situations, and this occurred during the year. The Judicial Technical Police (PTJ) conduct investigations for common crimes (cases that do not involve narcotics). The police provide security for coca eradication work crews in the Chapare region, a tropical area where illegal coca is grown. The Special Counternarcotics Force (FELCN), including the Mobile Rural Patrol Unit (UMOPAR), is dedicated to antinarcotics enforcement. Civilian authorities generally maintain effective control over the security forces; however, some members of these forces committed human rights abuses.

The country has a population of approximately 8.15 million. The country has extensive poverty, and many citizens lack access to such basic services as potable water, sewage, electricity, and primary health care. Per capita gross domestic product (GDP) declined to approximately \$965. According to the World Bank, between 1993 and 1999, approximately 67 percent of the population lived below the poverty line. The country is rich in minerals and hydrocarbons, and extensive development investments in natural gas are expected to form a basis for strong GDP growth in the future. However, most workers engage in traditional agriculture, and many citizens remain barely linked to the cash economy.

The Government generally respected the human rights of its citizens; however, problems remain in certain areas. Legal and institutional deficiencies prevented the full protection of citizens' rights. Security forces killed 11 protesters during violent demonstrations during the year. There were a number of allegations of torture by the police and security forces, although none were confirmed independently. There were credible reports of abuses by police, including use of excessive force, petty theft, extortion, and improper arrests. Investigations of alleged official abuses were slow. Prison conditions are harsh, and violence in prisons is a problem. At times police arbitrarily arrested and detained persons. Denial of justice through prolonged detention due to antiquated procedures and inefficiency and corruption in the judicial system remained a serious problem, although this began to change with the full implementation in May of the new Code of Criminal Procedures (CCP). In March the Government also enacted a new Public Ministry Law to adapt the prosecutorial function of the judicial system to the requirements of the CCP. There were reports that the Government infringed on citizens' property rights and attempted to intimidate the media. Security forces injured hundreds of protesters during the year. Other problems included domestic violence and discrimination against women, abuse of children, discrimination against and abuse of indigenous people, discrimination against Afro-Bolivians, child labor, inhuman working conditions in the mining industry, and trafficking in persons.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports of politically motivated killings committed by government agents; however, 1 person died while in police custody, and security forces killed 11 protesters during violent demonstrations during the year.

On February 17, Richard Cordoba died as a result of asphyxiation through hanging while in police custody in Cochabamba. The PTJ investigated, and the authorities charged at least five police officers for their alleged involvement in the death. Legal proceedings against the officers were pending at year's end.

On April 24, two civilians were killed following confrontations between security forces and striking transport workers. Daniel Vela Cuba, a driver, died after allegedly being hit in the head by a tear gas canister fired by police during a protest by striking transport workers in El Alto (see Sections 2.b. and 6.a.). According to an autopsy, he died of head trauma, but the investigation has not determined who was responsible. In La Paz, 89-year-old Antonia Mamani de Apaza died, allegedly due to inhalation of tear gas fired by police during a transport workers protest (see Section 2.b.). Investigations into both deaths were pending at year's end.

On June 27, Severo Manani Poma was killed by gunfire during a clash between security forces and demonstrators near the town of Quella Quella. Also on June 27, protester Isabel Quispe Machaca was injured in clashes with security forces near the town of Patamanta; she died on June 29. Investigations were pending at year's end. Initial accounts of the incident indicate that security forces fired the shots that killed Manani Poma and Quispe Machaca.

On September 27, a group of approximately 200 protesters accompanied by journalists attempted to occupy a camp for coca eradication work crews near Loma Alta in the Chapare. After protesters refused orders to halt their advance, security forces used tear gas to disperse the crowd. Security forces then fired shots from the camp striking Ramon Perez, who later died while being evacuated to Chimore. An investigation was pending at year's end.

On August 23, the Government signed an agreement with the Sole Confederation of Bolivian Campesino Workers (CSUTCB) that committed the Government to investigate and identify those responsible for civilian deaths and injuries in clashes with security forces in April and September 2000 and in June and July 2001. The August 23 agreement augmented compensation for civilian deaths to \$7,700 (50,000 bolivianos) to the family of each civilian killed and also included compensation for those injured in the clashes. This agreement supplemented an October 2000 agreement between the Government and the CSUTCB in which the Government agreed to pay all medical costs, as well as compensation up to \$1,575 (10,000 bolivianos) to those injured and to the families of civilians killed in the violent disturbances in April, September, and October 2000. At year's end, civilians injured and the families of civilians killed had received at least partial compensation.

On October 16, Nilda Escobar Aguilar was killed near Los Amigos, Central Isarzama in the Chapare, when she apparently was struck in the head by accident with a tear gas canister during a clash between demonstrators and security forces.

On November 15, 3 protesters (Maximo Rojas, Abel Orozco, and Claudio Quiroga Herrera) were killed and more than 13 were injured (3 seriously) in violent clashes with security forces near Senda Six in the Chapare. According to the Government, the incident began when an army vehicle stopped due to a blockade on the main road. After the security forces dismounted they allegedly were attacked by a sniper (which had happened several times in the previous few weeks). A crowd of demonstrators formed around the security forces. Because of adverse wind conditions, the security forces fired warning shots into the air instead of tear gas. The warning shots apparently failed to dissuade the demonstrators, who moved closer to the troops and, in one case, attempted to wrestle a rifle from a soldier. The security forces, following training doctrine, then fired at the protesters' feet. The Government believes that several bullets may have ricocheted and struck the demonstrators, causing the deaths and injuries. Human rights organizations disputed the Government's version of events, and investigations continued at year's end.

On November 20, security forces and demonstrators trying to establish roadblocks engaged in a major confrontation in the town of Sinahota in the Chapare. Soldiers reportedly first fired in the air as demonstrators approached throwing stones and then surrounding the military contingent. A member of the crowd allegedly tried to take a soldier's weapon. Some soldiers then apparently fired at the demonstrators, hitting one demonstrator in the leg and fatally wounding a second, Andres Aguilar Condori.

On December 6, a group of campesinos belonging to the Chimore Coca Growers Federation attempted to block the main road in Chimore (the Cochabamba/Santa Cruz highway). Members of the army's Chapare Expeditionary Force attempted to clear the road. As the crowd grew larger, additional security forces were called in, and police supporting the operation used tear gas in an effort to disperse the crowd. In an ensuing

confrontation, a soldier shot two civilians, hitting one in the ankle and badly wounding the other, Casimiro Huanca, the main cocacero leader of the Chimore Federation. Illegal coca growers alleged that Huanca then was shot again by security forces while lying wounded. Huanca died shortly thereafter at the Chimore hospital. The Government began civilian and military investigations of the incident.

On December 11, security forces and squatters clashed near Yapacani. Dozens of police and squatters reportedly were injured, and one civilian, Jose Luis Velazquez, was killed by a gunshot. Local police told the press that they were attacked while attempting to lift a blockade. A relative said Velazquez was not involved in the protests. On November 9, seven persons were killed in violent clashes between landless campesinos (peasants) and small landowners in Pananti near the southern Bolivian city of Yacuiba, in the Department of Tarija (bordering on Argentina). Another 20 persons were injured (mostly with bullet wounds); the authorities arrested 9 campesinos and 5 landowners. Police were searching for at least three others at year's end.

On December 21, a car bomb exploded about 10 yards in front of the Bolivian National Police headquarters building in Santa Cruz, the country's second largest city. The bomb killed one person, and flying glass wounded many others. Following the attack, there were claims of responsibility from callers claiming to be Shining Path terrorists and from a previously unknown indigenous organization calling itself The Group for Better Days for Bolivia. The police suspect the involvement of citizens, as well as Peruvians who have received training from Shining Path terrorists. The BNP arrested a number of Bolivian and Peruvian suspects.

Politically motivated violence between rival factions at the January convention of the CSUTCB in Oruro led to the death of Francisco Miranda and serious injuries to several others.

There were several deaths due to violence in the prisons during the year (see Section 1.c.).

In September and October 2000, violent demonstrations by illegal coca growers in the Chapare, urban and rural teachers' unions, antiglobalization protesters, and indigenous farmers in the highlands resulted in the deaths of up to 10 civilians; approximately 180 civilians were injured. At least three of these deaths were not plausibly attributable to the security forces. In addition, four security officials and the spouse of one security official disappeared in the Chapare during the disturbances and later were found tortured and killed. Another security official is missing and presumed dead. The Government believes that illegal coca growers led by Evo Morales were responsible for the deaths of the security officials in the Chapare, but investigations continued at year's end.

In April 2000, then-President Banzer declared a state of siege when violent demonstrations and road blockages in Cochabamba, combined with unrelated protests across the country, brought commerce to a virtual halt. In the days that followed the declaration, there were violent clashes between security forces and demonstrators that resulted in deaths and injuries. It appears likely that security forces killed at least three of the four civilians who died during the demonstrations. In addition, an army officer was killed, and over 50 persons were injured before the state of siege ended on April 20, 2000. In August 2000, the Constitutional Tribunal affirmed the constitutionality of the state of siege. However, human rights organizations criticized the state of siege as well as the subsequent violence and detentions that occurred.

The military justice case against alleged sharpshooter Captain Robinson Iriarte Lafuente, who was videotaped by television news organizations in civilian clothes kneeling alongside troops and firing a rifle during the April 2000 disturbances in Cochabamba, was pending at year's end. In April 2000, Captain Iriarte testified before the congressional Human Rights Committee that he had fired shots in three different locations at walls and buildings to intimidate civilians who had been rioting nearby, but claimed that each time he received permission from a superior officer at the scene. Armed Forces Commander Admiral Jorge Zabala told the Congressional Human Rights Committee that, during the state of siege, soldiers only were authorized to fire live ammunition by order of their commander; the 7th Division Commander, Brigadier General Jose Antonio Gil, testified that he gave no such order.

In October 2000, the civilian justice system ordered 17 military officers and soldiers to testify or face arrest on charges in the death of a protester on April 8, 2000, in Cochabamba. The military officials did not testify and sought to have the case transferred to the military justice system at year's end.

The case of Miguel Angel Rivero Siles, who died in 1999 as a result of severe burns suffered days prior in a solitary confinement cell at San Sebastian prison in Cochabamba, continued to move slowly through the judicial system. Charges against police at the prison were pending at year's end.

In May 1999, police arrested Peruvian businessman Carlos Freddy Cano Lopez after he refused to pay a disputed taxi fare. Cano suffered third degree burns over 50 percent of his body when his cell caught fire under

suspicious circumstances. The authorities transferred Cano to a hospital in Lima, Peru, where he died in June 1999. The authorities suspended the two policemen involved; one of the policemen was released on March 1, and the other remained in jail at year's end. Cases against both individuals remained pending at year's end.

In January 2000, the Government completed investigations and issued reports concerning the five unresolved cases of civilian deaths during the fatal confrontations between security forces and illegal coca growers in the Chapare in the spring of 1998. The reports were forwarded to the Cochabamba district attorney, who recommended that all five cases (plus two others) be closed. However, a judge in Villa Tunari decided to continue proceedings on three cases and, following his decision, allegedly received threats, which later apparently ceased. The three cases subsequently were transferred to a superior court in Cochabamba in late 2000. In March the three cases were transferred back to the judge in Villa Tunari, but in May the Cochabamba District Court transferred the three cases to the military justice system, where further proceedings were pending at year's end.

In late May, the Potosi District Court sentenced mining sector labor leaders Walter Romero and Mario Mansilla to 15 years in jail for their involvement in the 1996 death of National Police Colonel Eddy Rivas. The case addressed their involvement in organizing the violent protests during which Rivas and nine civilians died, with no apparent evidence linking them directly to the death of Rivas. A lower court judge already had sentenced the two to 2 years in jail. Human rights organizations and mining unions protested the decision and called for then-President Gonzalo Sanchez de Lozada, then-Minister of Government Franklin Anaya, then-Minister of Defense Alfonso Kreidler, then-Commanding General of the National Police Willy Arriaza and others to be tried for alleged responsibility for the civilian deaths. The cases against the officers accused of being responsible for the violence remained pending in the military justice system at year's end. According to the Government, in 2000 the five officers were reassigned to nonoperational units pending the outcome of their legal cases.

The Government's delay in completing effective investigations and identifying and punishing those responsible for either civilian or security force deaths results in a perception of impunity. However, in 2000 the FELCN created an internal affairs unit (see Section 1.c.).

Unlike the previous year, there were no reported killings of government security forces by nongovernmental actors, although there were reports of injuries (see Section 1.c.).

There were several reported cases of alleged criminals lynched or burned by civilians, sometimes resulting in death, for their alleged crimes.

b. Disappearance

There were no reports of politically motivated disappearances.

The case of Jose Carlos Trujillo Oroza continued to draw attention as the most prominent of the cases of those who disappeared during the 1971-78 de facto regime of President Hugo Banzer Suarez. Trujillo's mother presented the case to the Inter-American Commission on Human Rights (IACHR) in June 1999. Security forces had detained Trujillo, a 21-year-old university student, in December 1971, and he never was seen again after February 2, 1972. Trujillo's mother first presented his case to the IACHR in September 1992. In 1996 President Sanchez de Lozada's Government accepted responsibility for Trujillo's arrest and disappearance and named those responsible but did not hold them accountable. In January 2000, the Banzer Government accepted responsibility for Trujillo's arrest and disappearance before the Inter-American Court of Human Rights. The Government offered to begin negotiations with Trujillo's mother, who is seeking the return of her son's remains and punishment for those responsible, with the goal of an amicable settlement. In August the Santa Cruz Superior Court ruled against the family's petition for the Government to pursue murder charges. The family appealed this decision to the Constitutional Tribunal, which ruled in November that the murder case should be reopened.

On December 26, Argentine Judge Rodolfo Canicoba Corral filed an international arrest warrant for detention pursuant to the extradition of former President Banzer to Argentina to face legal proceedings for his alleged role in the mid-1970's "Plan Condor." The alleged crimes are "forced and illegal denial of liberty" (disappearances/kidnaping) and "illicit association." The charges allege that from 1976 to 1981 Banzer belonged to a "criminal organization" involved in the "forced disappearance" of persons, activities that were perpetrated entirely or partially in Argentina. The organization allegedly was comprised of members of security forces in Argentina, Paraguay, Uruguay, Chile, and Bolivia. The request was received by the Ministry of Foreign Affairs and Worship on December 28.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits torture, and the Government generally respects this provision; however, there were a number of allegations of torture, beatings, and abuse by members of the security forces.

Security forces clashed with union and other demonstrators on many occasions during the year, resulting in some deaths and hundreds of injuries (see Sections 1.a. and 2.b.). On June 8, several police and protesting miners were injured during clashes. On July 15, eight protesters were injured during clashes between violent demonstrators and government security forces. At least some of the injuries were attributed to rubber bullets used by the security forces. On September 25, a boy was wounded as police dispersed a crowd harassing workers at an eradication camp in the Chapare. On October 4, there were unconfirmed reports that eradication forces in the Chapare had shot and wounded two coca growers. Investigations into these incidents were pending at year's end.

During the April 2000 state of siege (see Section 1.a.), there were allegations that the military took residents of Achacachi into custody in the middle of the night and beat them in an attempt to learn the names of those responsible for the death of an army captain. The army captain was an officer in a unit believed by demonstrators to be responsible for the earlier death of a civilian in Achacachi. A mob beat the captain, and after he was taken to a hospital, dragged him from the hospital and beat him to death. There also were allegations that arrestees from Patacamaya during the state of siege were beaten by the military prior to being transferred to the custody of the PTJ. Investigations into these events continued at year's end.

There were allegations that security officials beat protesters whom they detained in the Chapare during the September-October 2000 disturbances, as well as allegations that they beat civilians to try to learn the location of missing security officials and the names of those responsible for their deaths. At year's end, the Public Ministry still was investigating the allegations to determine the security units and commanders involved.

In March the Bolivian Permanent Assembly for Human Rights (APDH) and other nongovernmental organizations (NGO's) submitted a suit against the Government to the IACHR alleging that the Government tortured and persecuted persons accused of being members of the Tupaj Katari Guerrilla Army (EGTK) terrorist organization between 1998 and 1993. The Government denied the accusations.

There also were credible allegations that military officers and sergeants beat and otherwise mistreated military conscripts. In 2000 a military court found a sergeant accused of allegedly beating conscript Roger Candia Vallejos in September and November 1999 not guilty for lack of evidence. Candia was discharged honorably, but his unit was disciplined.

Several police officers were fired and charged for off-duty crimes and a number were dismissed for corruption. However, in general the police were not disposed to investigate their own colleagues, and prosecutors were reluctant to prosecute security officials for alleged offenses committed while on duty. In 2000 the FELCN created an internal affairs unit that reports directly to the FELCN commander; the National Police have not yet created such a unit, although a November 2000 presidential decree authorizes it to do so. The FELCN internal affairs unit investigates allegations of malfeasance and wrongdoing, as well as alleged human rights abuses.

Approximately 5,000 FELCN members, PTJ members, lawyers, law students, prosecutors, judges, and NGO representatives have received training on the new Code of Criminal Procedures over the last 2 years. During the year, 410 policemen and 115 military officers received crowd control training from an international donor. The training emphasized respect for human rights and internationally accepted principles of crowd control. FELCN officers also have received training over the last 2 years on human rights issues incorporated in general counternarcotics training. In July 2000, foreign consultants conducted a 1-week human rights course for 33 FELCN investigators. The basic FELCN and UMOPAR training includes a human rights module.

In 1999 the military signed a cooperation agreement with the Human Rights Ombudsman's office and concluded an agreement for coordination of human rights training with the Ministry of Justice and Human Rights; such training took place during the year.

Indigenous communities in areas with little or no central government presence impose punishment that reliably is reported to include the death penalty on members who violate traditional laws or rules, although the Constitution prohibits both the death penalty and extrajudicial punishments.

There was violence during the year against Government security forces and coca eradication crews. On April 20, a group of soldiers was ambushed in the Chapare; two soldiers were shot and wounded. The soldiers were not part of the Joint Eradication Task Force (JTF). On May 8, a policeman was ambushed and received serious bullet wounds. On May 10, a booby-trapped explosive device injured two policemen. On August 2, a policeman was wounded in an ambush in the Chapare. On September 1, workers associated with the JTF

were ambushed in the Chapare injured by gunfire. On November 20, two police officers were shot near Eterazama on the main highway in the Chapare, apparently by illegal coca growers. On December 20, unknown assailants ambushed eradication forces near the base camp of San Jose, near Eterazama in the Chapare, and shot and wounded three soldiers. On October 7, a 9-year-old girl was injured severely by a booby trap apparently intended for security forces; a man was arrested and charged with involvement in the incident.

Prison conditions are harsh. Prisons are overcrowded and in poor condition. With the exception of the maximum-security prison of Chonchocoro in El Alto, government authorities effectively only have control of the outer security perimeter of each prison. Inside prison walls, prisoners usually have free reign. Violence between prisoners and in some cases, the involvement of prison officials in violence against prisoners, are problems. Corruption is a problem among low-ranking and poorly paid guards and prison wardens. Detention centers, which are supposed to house the accused prior to the completion of their trials and sentencing (if convicted), also are overcrowded. Convicted criminals often are housed in detention centers on judge's orders because of overcrowding in the larger prisons.

According to the Director General of the Penal System in the Ministry of Government, as of June there were 7,165 prisoners in facilities designed to hold 4,700 prisoners. The majority of all prisoners were held for narcotics crimes. The Pardon and Extraordinary Freedom Jubilee 2000 Law, an amended version of which took effect in December 2000, has begun to reduce the overcrowding. The law pardons prisoners under the age of 21 or over the age of 60; reduces felony sentences by one-third for all prisoners sentenced prior to August 2000; and pardons prisoners who are parents of minor children and have completed at least 50 percent of their sentences. (Reductions in felony sentences are not extended to prisoners convicted of murder, parricide, or treason, nor to most prisoners convicted of terrorism, rape, or narcotics trafficking. In addition, prisoners who were convicted of murder, rape, kidnaping, terrorism, or narcotics crimes and sentenced to more than 10 years in jail are not eligible for the benefits given to prisoners under age 21 or over age 60, or to parents of minor children.) The one-third reduction in sentences meant that many prisoners had served over 50 percent of their sentences and thus were eligible for earlier parole. The law was expected to lead to the release of between 1,500 and 2,000 prisoners by year's end; however, there was no information to confirm the number of actual releases.

A prisoner's wealth can determine cell size, visiting privileges, day-pass eligibility, and place or length of confinement. Cell prices range from \$20 to \$5,000 (130 to 32,500 bolivianos), paid to prior occupants or to prisoners who control cell blocks. For example, in the poorest parts of San Pedro prison in La Paz, inmates occupy tiny cells (3 by 4 by 6 feet) with no ventilation, lighting, or beds. Crowding in some "low-rent" sections obliges inmates to sleep sitting up. Although only children up to 6 years old are supposed to live with an incarcerated parent, children as old as age 12 live with their fathers in San Pedro prison. According to the Director General, as of April there were 1,624 children living with a parent in prison. If such children have nowhere else to go, the Government considers it more humane to support them in prison than to leave them homeless. According to a 1995 study, the standard prison diet can cause anemia; the diet has not been improved since then. Prisoners who can afford to supplement the standard prison diet by buying food do so. The Government budgets only \$0.32 (2 bolivianos) per prisoner per day for food. There is no adequate health care within the prisons, and it is very difficult for prisoners to get permission for outside medical treatment. However, affluent prisoners can obtain transfers to preferred prisons or even to outside private institutional care for "medical" reasons. Drugs and alcohol are readily available for those inmates who can pay.

On March 8, convict Jose Valentin Mujica was found hanged at the maximum security San Pedro de Chonchocoro prison located near La Paz. On June 4, three prisoners were killed and three were injured at Palmasola prison in Santa Cruz as a result of violence between inmates. In June 2000, Brazilian prisoner Mustafa Samir was found hanged, and Peruvians Omar Casis and Renaldo Montesinos were shot and killed at the maximum security San Pedro de Chonchocoro prison located near La Paz, which houses the country's most violent prisoners and terrorists. Investigations into these deaths were pending at year's end.

On May 10, the Government inaugurated a new detention center in Chimore in the Chapare region built with assistance from an international donor. The new center, along with the adjoining old center that was refurbished, has a capacity to house 150 detainees, instead of only 50 previously. The changes also permitted the Government to segregate male and female prisoners. In June the Government inaugurated a new prison in Potosi designed to hold 300 prisoners.

There are separate prisons for women; conditions for female inmates are similar to those for men. However, the San Sebastian women's prison in Cochabamba is one of the most overcrowded prisons--overcrowding there is worse than in most prisons for men.

Convicted juvenile prisoners are not segregated from adult prisoners in jails. Rehabilitation programs for juveniles or other prisoners are scarce to nonexistent. The Government has acknowledged these problems but

does not have sufficient resources to correct them quickly.

The Government permits prison visits by independent human rights monitors and news media representatives.

d. Arbitrary Arrest, Detention, or Exile

There were some instances of arbitrary arrest and detention. Arrests are carried out openly. The new CCP requires an arrest warrant, and the police must inform the prosecutor of the arrest within 8 hours. The prosecutor within 16 hours then must have the detainee released under bail or ask a court to continue to hold the detainee in jail until trial. A detainee may not be held for more than 24 hours without court approval. However, there were credible reports that these legal safeguards were violated in some cases.

Denial of justice through prolonged detention remains a serious ongoing problem, although this began to change with the full implementation in May of the new CCP (see Section 1.e.). The new CCP provides that a detainee cannot be held for longer than 18 months awaiting trial and sentencing. If the process is not completed in 18 months, the detainee may request his release by a judge. However, judicial corruption, a shortage of public defenders, inadequate case-tracking mechanisms, and complex criminal justice procedures keep persons incarcerated for months, or even years, before trial. The Constitution provides for judicial determination of the legality of detention. Prisoners are released if a judge rules detention illegal, but the process can take months. Prisoners may see a lawyer, but approximately 70 percent cannot afford legal counsel, and public defenders are overburdened (see Section 1.e.).

The May report of the U.N. Committee Against Torture estimated that two-thirds of the prison population are waiting for the processing of their cases to be finished, an increase from 60 percent according to a report in 1998. An estimated 30 percent of those awaiting judgement in 1998 already had served what would have been the maximum sentence for the crime they were accused of committing.

The Government continued to address the problem of delay of justice by implementing the 1994 constitutional reforms to streamline the judicial system and by taking measures to correct other deficiencies as they come to light. In May 2000, provisions of the CCP replaced the release provisions of the Personal Recognizance Law, promulgated in 1996, which never were utilized effectively. Most prisoners still await either trial or sentencing, but under the CCP the courts are beginning to provide release on bail for some prisoners. Judges still have the authority to order preventive detention for suspects under arrest deemed to be a flight risk or for obstruction of justice. If a suspect is not detained, a judge still can order significant restrictions on a suspect's travel.

Children from 11 to 16 years of age can be detained indefinitely in children's centers for known or suspected offenses, or for their protection, simply on the orders of a social worker. There is no judicial review of such orders.

The 1997 detention case of Waldo Albarracin, President of the Bolivian APDH, continued to move slowly through the judicial system. The authorities had yet to take any action regarding the four police officials accused of abducting Albarracin, although legal cases against two policemen were pending at year's end.

The Government does not use forced exile.

e. Denial of Fair Public Trial

The judiciary is generally independent; however, corruption and inefficiency in the judicial system remain major problems. Poor pay and working conditions make judges and prosecutors susceptible to bribes.

The judicial system has three levels of courts: Trial court, superior court, and the Supreme Court or Constitutional Tribunal appellate review. The Supreme Court hears appeals in general, while the Constitutional Tribunal only hears appeals on constitutional issues.

With the full implementation in May of the CCP, the criminal justice system changed from essentially a closed, written system to a system of transparent oral trials. The old, highly formal, and often corrupt judicial system made it difficult for poor, illiterate persons to have effective access to courts and legal redress. In addition, under the old system, inefficiency and delay could result in a lengthy judicial process or prolonged pretrial incarceration (see Section 1.d.). The CCP specifically addresses this problem by requiring that no pretrial detention exceed 18 months. In cases in which a sentence has been issued, but the case is being appealed, the maximum period of detention is 24 months.

In March the Government enacted a new Public Ministry Law to adapt the prosecutorial function of the judicial system to the requirements of the CCP. Under the new CCP, the prosecutor, instead of the judge, is in charge of the investigative stage of a case. The prosecutor instructs the police, from the perspective of a legal practitioner, as to what witness statements and evidence are needed to prosecute the case. Counternarcotics prosecutors lead the investigation of narcotics cases.

During the first stage, the prosecutor tries the case before a judge of instruction if it is a misdemeanor case (which carries a possible sentence of less than 4 years), or before sentencing courts that include three citizen judges (jurors) and two professional judges for felony cases (possible sentence of 4 years or more).

The superior court review is restricted to a review of the application of the law. Supreme Court review, the third stage, is restricted to cases involving exceptional circumstances. During the superior court and Supreme Court reviews, the courts may confirm, reduce, increase, or annul sentences, or provide alternatives not contemplated in lower courts.

Defendants have constitutional rights to a presumption of innocence, to remain silent, to have an attorney, to confront witnesses, to present evidence on their own behalf, to due process, and to appeal judicial decisions. In practice almost none of these rights have been protected systematically, although the implementation of the CCP has begun to alleviate some of the problems by facilitating more efficient investigations, transparent oral trials, and credible verdicts. The timely delivery of justice also has been aided by the introduction, with the assistance of an international donor, of a modern, computerized system for tracking cases in the investigative stage and in the courts.

The law provides for a defense attorney at public expense if needed; however, one is not always promptly available. In 2000 the Government hired 49 additional staff members to bolster rural public defense, achieving a total of approximately 167 public defenders, legal assistants, and social workers. The public defender program also provides information about human rights to citizens and seeks to involve public defenders in arrest cases at the earliest possible juncture to ensure that human rights and due process are honored. A program of mobile public defenders who can reach the more remote parts of the country has proven somewhat effective. However, public defenders remained overburdened.

The CCP also recognizes the conflict resolution traditions of indigenous communities, but not the imposition of the death penalty (see Section 1.c.).

The Judicial Council oversees the disciplinary aspects of the judicial process and provides an impartial body to review the actions of judges. Its powers include the authority to conduct administrative investigations and to censure for malpractice judges at all levels found culpable of malfeasance. By early 1999, the Judicial Council had investigated numerous reports of judicial corruption, which led to the resignation or dismissal of more than 20 judges in Santa Cruz, Cochabamba, and La Paz. One of the dismissed superior court judges, who allegedly accepted bribes from narcotics traffickers, protested his dismissal to the Constitutional Tribunal. In October 1999, the Constitutional Tribunal ruled that the Judicial Council did not have the power to dismiss a superior court or higher level judge. The Tribunal ruled that the removal of such a judge from office requires a final judgment and sentence of conviction in a criminal case tried before the Supreme Court. The Tribunal's decision dealt a serious blow to the Judicial Council, weakening its role as a disciplinary body. Nevertheless, the Council retains its power to suspend without pay, for up to 13 months, judges against whom a criminal charge has been filed or against whom a disciplinary process has been initiated. At year's end, legislation was pending to give the Council the power to effect suspension of up to 3 years or specifically to establish the Council's power to dismiss judges found guilty of malpractice by the Council.

In February a counternarcotics prosecutor in Trinidad received death threats.

The military justice system generally is susceptible to senior-level influence and corruption and avoids making rulings that would cause embarrassment to the military. When a military member is accused of a crime related to his military service, the commander of the affected unit assigns an officer to conduct an inquiry and prepare a report of the findings. The results of the findings are forwarded to a judicial advisor, who usually is located at the division level. The advisor then recommends a finding of either innocence or guilt. For minor infractions, the advisor may recommend sanctions such as house arrest or loss of time-in-grade (which delays promotions and future assignments). For major infractions, the case is forwarded to a military court (the permanent tribunal for cases involving enlisted members and officers below the rank of general/admiral, and the supreme tribunal for generals/admirals and appeals of cases from the permanent tribunal). General officers head both tribunals. For the permanent tribunal, a judge-advocate of war (usually a civilian lawyer) reviews the findings of the advisor and may change the recommendations of the advisor. The permanent tribunal usually accepts the recommendations of the judge-advocate of war.

There were no reports of political prisoners.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence

The Constitution provides for the sanctity of the home and the privacy of citizens; however, while the authorities generally respect these provisions, there were credible allegations of security forces involved in thefts of property. Residents in the coca-growing areas generally are reluctant to file and pursue formal complaints.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for the right to express ideas and opinions freely by any means of dissemination; however, there are some limitations on freedom of speech, and state agents attempted to intimidate some news media. Newspapers are privately owned, and most adopt antigovernment positions. State-owned and private radio and television stations generally operate freely.

The Penal Code provides that persons found guilty of insulting, defaming, or slandering public officials for carrying out their duties may be jailed from 1 month to 2 years. If the insults are directed against the President, Vice President, or a minister, the sentence may be increased by one-half.

Press associations criticized the Government for the death on September 27 of a civilian who was accompanying journalists as they approached an eradication camp near Loma Alta in the Chapare (see Section 1.a.). They also called for the Government to provide for protection and freedom of movement in the Chapare, where illegal coca growers often block roads (see Section 2.d.).

In February Congress passed a Public Ministry Law that obliged "any person or institution, public or private" to give the prosecutor information upon request. After journalists protested, the controversial provision of law was rescinded.

The 40-person La Paz Press Tribunal, an independent body, is authorized to evaluate journalists' practices that are alleged to violate either the Constitution or citizens' rights. The Government prohibits the importation of pornographic books, magazines, and artwork, but it does not block Internet sources of such material.

The Government does not restrict academic freedom, and the law grants public universities autonomous status.

b. Freedom of Peaceful Assembly and Association

The law provides for the right of peaceful assembly, and the authorities generally respect this right in practice; however, security forces killed 11 persons and injured others during violent protests during the year (see Sections 1.a. and 1.c.). The authorities generally try to avoid confronting demonstrators; however, security forces clashed with union and other demonstrators on many occasions during the year. The authorities intervened only when rallies became violent or interfered substantially with normal civic activity. The police regularly used tear gas and other forms of crowd control. The Government routinely grants permits for marches and rallies. There were numerous demonstrations throughout the year; in some cases protesters blocked roads, and on several occasions protesters became violent. On June 28, protesters blockading the road from El Alto to Oruro beat Archbishop of El Alto Jesus Juarez Parraga. On July 2, demonstrations by small debtors (who had been protesting off and on for over 3 months) outside the Superintendency of Banks turned violent when protesters seized almost 100 hostages and strapped dynamite to some of them; the hostages were released early on July 3.

On March 22, acting on the orders of the Minister of Government, police peacefully rounded up and returned about 50 marching protesters to the town of Cocachamba, where they were released upon arrival. On April 20, the La Paz Superior District Court dismissed as "inadmissible" a constitutional challenge by the Human Rights Ombudsman to the Government peacefully breaking up a protest march on April 12 that included labor leaders. After stopping the march, security forces transported the approximately 70 protesters back to Cochabamba where all were released. The Ombudsman and the APDH declared the court's decision political, and the Ombudsman appealed the case to the Constitutional Tribunal. The Ombudsman argued that the Government's actions violated constitutional provisions for freedoms of expression and assembly. However, the tribunal ruled that the Government had not violated the marchers' constitutional rights because the

marchers continued to be able to express their views, and the march continued following the police intervention.

The law provides for freedom of association, and the authorities generally respect this right in practice. The Government requires NGO's to register with the appropriate departmental government.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respects this right in practice. Roman Catholicism predominates, and the Constitution recognizes it as the official religion. The Roman Catholic Church receives support from the State (about 300 priests receive small stipends) and exercises a limited degree of political influence.

Non-Catholic religious organizations, including missionary groups, must register with the Ministry of Foreign Affairs and Worship and receive authorization for legal religious representation. There were 272 registered religious groups, which were mostly Protestant; at year's end, approximately 127 applications were pending. The only minority religions in the country that have encountered problems are Hari Krishna and the Unification Church. Hari Krishna followers had registered as an educational organization instead of as a religious organization. The Government had denied religious registration to Hari Krishna practitioners in the 1980's on the grounds of what the Government describes as nonfaith-based activities of the group and has not acted on a new application by the group initiated in 2000. The Government considers the previous decision to be valid and in force. However, Hari Krishna continues to operate with official standing as an educational organization. In 1999 the Unification Church complained of harassment by the Government; however, the Church is registered with the Ministry of Foreign Affairs and Worship as a religious organization, and there have been no further developments.

In July 2000, then-President Banzer signed a Supreme Decree governing the relationships between religious organizations and the Government. The decree updated a similar decree dating from 1985, which had been the subject of criticism by Catholic and non-Catholic religious groups. The new decree reflects input from religious groups and, according to the Government, is designed to increase transparency and dialog in church-state relations.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There are no restrictions on travel. However, on numerous occasions during the year, protesters blocked roads and highways, and illegal road blockages by illegal coca growers often restricted movement in the Chapare (see Section 2.a.). The law permits emigration and provides for the right to return. The Government does not revoke citizenship for political or other reasons.

The law provides for the granting of asylum or refugee status in accordance with the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol.

The Government cooperates with the office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees.

The Government has accepted persons for resettlement; although it received no refugees during the year, the Government accepted 2 refugees in 2000, and over 40 refugees in 1999. The issue of the provision of first asylum did not arise during the year. After the 1996 takeover of the Japanese Ambassador's residence in Lima, Peru, by Tupac Amaru Revolutionary Movement (MRTA) terrorists, the authorities found that some MRTA activists had used Bolivia as a safe haven and announced a more restrictive policy on accepting Peruvian political asylees. Nonetheless, members of the MRTA and other terrorists continued to use the country as a safe haven and a place to plan activities.

There were no reports of persons forced to return to a country where they feared persecution.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. Political parties ranging from far left to moderate right function openly. Implementing regulations for the 1994 constitutional revisions specify that half of the congressional deputies be elected individually and directly, rather than from party lists. The first national election under these regulations was held in 1997, with

attendance by international observers. Only one instance of tampering with ballots was detected. Elections for national offices and municipal governments are held every 5 years; the next national election is scheduled for June 30, 2002. In August President Jorge Quiroga of the Nationalist Democratic Action party took office after President Banzer Suarez resigned due to serious illness. The governing coalition controls both houses of the legislature, holding 19 of 27 seats in the Senate and 66 of 130 seats in the Chamber of Deputies. Coalition members hold the top leadership positions in both chambers.

The National Electoral Court (CNE) and its lower departmental courts oversee the electoral process, including voter registration, tabulation, and certification of ballots. On May 9, CNE Justice Jorge Lazarte Rojas resigned in protest against perceived politicization of the electoral courts, specifically the alleged party quota-based nomination of departmental electoral judges. On May 22, CNE President Juan Guzman announced his resignation for the same reasons. In July the Congress elected a new CNE, expanding its number from five to seven judges, declared the departmental electoral court positions vacant, and instructed the CNE to select new departmental electoral court judges and modify the Electoral Code so that head departmental electoral judges are selected by congressional vote.

There are no legal impediments to women or indigenous people voting, holding political office, or rising to political leadership; however, the percentages of women and indigenous people in government and politics do not correspond to their percentages of the population. Political parties acceded to demands from women that they be allocated a fair share of the candidacies in the 1997 national elections, approving a law that every third candidate on party lists be female. In addition, every other candidate on municipal election ballots, beginning with the second candidate, must be a woman—a requirement that has augmented female representation to approximately 30 percent of municipal council positions. However, in 2000 there were reports that in some municipalities party leaders pressured councilwomen to resign in favor of their male substitutes, and women in three separate municipalities allegedly were threatened with death if they did not resign their positions. There are 21 women among the 157 deputies and senators, 2 women among the 46 vice ministers, and 1 woman in the Cabinet.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operate without government restriction, investigating and publishing their findings on human rights cases. Government officials are generally cooperative and responsive to their views; however, NGO's and the Ombudsman have complained that government security forces and government ministries have refused in specific instances to cooperate when NGO's or the Ombudsman are conducting investigations. The Government criticizes human rights advocates for paying attention exclusively to the negative aspects of the Government's performance.

APDH President Albarracin and his family continued to receive anonymous threats in relation to the legal case against his alleged police abductors (see Section 1.d.). The APDH's branch office in Santa Cruz also received anonymous threats in 2000 related to its investigations regarding security forces; in 1999 unknown parties broke into its office and destroyed its computer.

The Human Rights Ombudsman is a position with a 5-year term established in the Constitution. The Ombudsman is chosen by Congress and is charged with providing oversight for the defense, promotion, and spread of human rights, specifically to defend citizens against abuses by the Government.

The Human Rights Ombudsman Ana Maria Romero de Campero conducted numerous investigations and in November presented a comprehensive report to Congress that was critical of the Government. Its primary conclusion was that for the third year in a row, the police force was the government organization most often accused of human rights abuses. Indigenous people filed approximately 60 percent of all complaints received by the Ombudsman, and approximately 60 percent of all complaints received were filed by men. The Chamber of Deputies Human Rights Committee, led by an opposition party congressman, also presented its annual report in August 2000, which criticized the Government.

Early in the year, the Government added a human rights prosecutor to the Chimore human rights office of the Ministry of Justice and Human Rights in the Chapare region, which the Government had reopened in May 2000 with assistance from an international donor. All of the human rights offices in the Chapare region had closed in 1999. The office accepts and pursues complaints of abuses committed by anyone, including police, narcotics traffickers, and illegal coca growers.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution prohibits discrimination based on race, sex, language, religion, political or other opinion, origin, or economic or social condition; however, there was significant discrimination against women, indigenous people, and the small Afro-Bolivian minority.

Women

Violence against women is a pervasive problem, but no scheme exists to register such incidents systematically. According to the National Police's Department of Statistics and Planning, in 1998 approximately 57 percent of reported assaults were against women. According to a 1997-98 study conducted by the Pan-American Health Organization and the Ministry of Health among women in three municipalities representative of the country's three major cultural and geographic zones, 62 percent of women reported experiencing some kind of domestic violence or abuse at least once in their lifetime. Approximately 21 percent had suffered psychological abuse, 28 percent had suffered non-life-threatening physical violence, and 13 percent had suffered life-threatening violence. It is estimated that only one out of every five incidents of violence against women is reported.

The Family Violence Units of the police handle crimes of domestic violence and physical and/or sexual abuse against women and children.

Rape is also a serious problem that is highly underreported. The Law on Domestic and Family Violence makes the rape of an adult victim a public crime; however, the victim must press charges. The law also broadened the definition of family member abuse. The 1999 Law against Sexual Violation created the new crime of statutory rape of a person from 14 to 18 years of age and established new penalties: 10 to 20 years for the rape of a child under the age of 14; 2 to 6 years for statutory rape; and 5 to 20 years for the rape of an adult. The new Code of Criminal Procedures provides that crimes against adults included in previous laws on sex crimes can be made public crimes; however, the victim must press charges. Sexual crimes against minors automatically are considered public crimes. Public agencies state that reports of abuse have increased markedly as a result of these laws, as citizens have become more aware of the problem and of the availability of help.

Prostitution is legal for adults age 18 and older, and there were reports of trafficking in women for the purposes of prostitution and forced labor (see Section 6.f.).

The new Code of Criminal Procedures (see Section 1.e.) for the first time considers sexual harassment a civil crime, also resulting in greater protection under the law. There are no statistics on the incidence of sexual harassment, but the problem generally is acknowledged to exist widely in the male-oriented society.

Legal services offices devoted to family and women's rights operate throughout the country. The Maternal and Infant Health Insurance Program provides health services, focused on maternal and infant health, to women of reproductive age and to children under the age of 5.

Women generally do not enjoy a social status equal to that of men. Many women do not know their legal rights. Traditional prejudices and social conditions remain obstacles to advancement. The Labor Code restricts the proportion of women staff in business to 45 percent of the workforce unless large groups of women are required in a particular enterprise; however, this restriction is not enforced actively. Women generally earn less than men for equal work; however, the minimum wage law treats men and women equally. Most women in urban areas work in the informal economy and the services and trade sectors, including domestic service and micro-business, whereas in rural areas the vast majority of economically active women work in agriculture. Young girls often leave school early to work at home or in the economy. According to a 1997 study by the Ministry of Education, four out of five illiterate citizens are female. Girls have lower rates of school participation and higher dropout rates than boys. Although not effectively enforced, the national labor law limits women to a workday 1 hour shorter than that of men and prohibits them from working at night (see Section 6.e.).

Children

The Government is aware of the precarious situation of children and the need to provide legal and institutional infrastructure for their protection. There are seven Defender of Children and Adolescents offices in La Paz to help protect children's rights and interests. However, the Government has not given the poor situation of children sufficient political priority to improve conditions quickly and effectively.

Although the law requires all children to complete at least 5 years of primary school, this requirement is enforced poorly, particularly in rural areas. The Ministry of Education and the World Bank estimated in 1997 that 26 percent of children graduated from high school. Prolonged teachers' strikes often result in lengthy school closures, limiting children's access to education.

The National Institute of Statistics calculated in 1998 that approximately 24 percent of children less than 3 years old were chronically undernourished. A 1999 UNICEF report on infant mortality indicated that 85 of every 1,000 children die before they reach 5 years of age. Many children, particularly from rural areas, lack the birth certificates and identity documents they need to secure social benefits and protection.

Physical and psychological abuse in the home also are serious problems. Corporal punishment and verbal abuse are common in schools.

Child prostitution is a problem, particularly in urban areas and in the Chapare region. At least two NGO's, Fundacion La Paz and Q'Haruru, have active programs to combat child prostitution. The Government's plan to combat child labor includes a campaign against child prostitution (see Section 6.d.).

There were reports of children trafficked for forced labor to neighboring countries (see Section 6.f.).

The 1999 Code for Boys, Girls, and Adolescents establishes, augments, and further safeguards the rights of children and adolescents. It also regulates adoptions and tightens protection against exploitative child labor and violence against children. However, resource constraints continue to impede full implementation of this law.

Children from 11 to 16 years of age can be detained indefinitely in children's centers for known or suspected offenses, or for their own protection, simply on the orders of a social worker (see Section 1.d.).

Child labor is a problem (see Section 6.d.). In April the Government's Inter-Institutional Commission for the Progressive Elimination of Child Labor formally released a finalized national plan to address the problem of child labor, which includes programs to address financial, health, education, and other needs of children (see Section 6.d.).

Persons with Disabilities

The Law on Disabilities requires wheelchair access to all public and private buildings, duty free import of orthopedic devices, a 50 percent reduction in public transportation fares, and expanded teaching of sign language and Braille. A National Committee for Incapacitated Persons oversees the law's enforcement, conducts studies, and channels and supervises programs and donations for the persons with disabilities; however, there is little information on its effectiveness. The electoral law makes arrangements for blind voters. However, in general there are no special services or infrastructure to accommodate persons with disabilities. A lack of adequate resources impedes full implementation of the law. Societal discrimination keeps many persons with disabilities at home from an early age, limiting their integration into society.

Indigenous People

Discrimination against, and abuse of, indigenous people continued. The indigenous majority generally remains at the low end of the socioeconomic scale, and faces severe disadvantages in health, life expectancy, education, income, literacy, and employment. More than one-half of all citizens speak indigenous dialects as their first language, and many speak no Spanish at all, which essentially excludes them from most of the formal economy. Lack of education, inefficient farming and mining methods, indigenous cultural practices, and societal biases keep the indigenous people poor. They continued to be exploited in the workplace. Some rural indigenous workers are kept in a state of virtual slavery by employers who charge them more for room and board than they earn. Although the Agrarian Reform Law extended the protection of the national labor law to all paid agricultural workers, including indigenous workers, the problem persists due to lack of effective enforcement. The vast majority of conscripts are indigenous.

The Agrarian Reform Law provides for indigenous communities to have legal title to their communal lands and for individual farmers to have title to the land they work. The Government and indigenous leaders jointly developed provisions of this law. However, the issue of land, specifically the Agrarian Reform Law, has been a constant source of complaints and protests by indigenous people. Indigenous people complain that their territories are not defined legally or protected, and that outsiders exploit their resources. Specific offenders allegedly are illegal coca growers and timber pirates.

Indigenous groups have taken advantage of the Popular Participation Law to form municipalities that offer them greater opportunities for self-determination. The new Code of Criminal Procedures recognizes the conflict resolution traditions of indigenous communities (see Section 1.e.).

On August 23, the Government signed an agreement with the CSUTCB that committed the Government to provide \$70 million (455 million bolivianos) in various service projects and credit to indigenous communities, as well as other commitments. Implementation of the agreement was underway at year's end.

National/Racial/Ethnic Minorities

There is ongoing societal discrimination against the small Afro-Bolivian minority. Afro-Bolivians generally remain at the low end of the socioeconomic scale, and face severe disadvantages in health, life expectancy, education, income, literacy, and employment. The majority of Afro-Bolivians live in the Yungas region of the Department of La Paz.

Section 6 Worker Rights

a. The Right of Association

Workers may form and join organizations of their choosing; however, labor leaders consistently state that a section of the Economic Liberalization Decree, which addresses the free contracting of labor, undermines any protections against dismissal without cause. Labor leaders allege that employers use or threaten to use this article to limit unionization. The Labor Code requires prior government authorization to establish a union, permits only one union per enterprise, and allows the Government to dissolve unions by administrative fiat; however, the Government has not enforced these provisions in recent years. The law requires the Government to confirm the legitimately elected officers of unions; while this is sometimes difficult due to the fact that unions usually do not follow clearly democratic practices, the Government is not known to favor candidates for political or other reasons. While the code denies civil servants the right to organize, nearly all civilian government workers are unionized. Workers generally are not penalized for union activities; however, security forces clashed with union and other demonstrators on many occasions during the year, resulting in some deaths and hundreds of injuries (see Sections 1.a. and 2.b.). On April 12, the Government forcibly rounded up protesters, including union members, marching from Cochabamba to La Paz and returned them by bus to Cochabamba rather than permitting them to reach La Paz (see Section 2.b.).

In theory the Bolivian Labor Federation (COB) represents virtually the entire work force; however, only about one-half of workers in the formal economy actually belong to labor unions, and employment in the formal economy has fallen markedly compared to that in the "informal," typically unorganized sector (an estimated 70 percent of the total workforce).

The most active labor demonstrations during the year were initiated by workers who are outside of the traditional employer-employee framework, specifically cooperative miners; truckers; and indigenous, subsistence farmers. These small capitalists as well as workers in the informal economy often are organized into labor or trade organizations. The CSUTCB, led by Felipe Quispe, is not a trade union in the traditional sense, since there is no counterpart employer with which to bargain. The CSUTCB is designed to maximize the power of indigenous farmers with respect to the Government and traditional trade unions.

In 2000 the Government stopped work on draft legislation to modernize the antiquated Labor Code and patchwork of labor laws and to make them conform to International Labor Organization (ILO) conventions that the Government already has ratified. In many respects, the country's labor laws and regulations are favorable to workers; however, lack of enforcement and in some cases unrealistic objectives have led many of the standards to be ignored in practice.

The Labor Code bans strikes in public services, including banks and public markets; however, workers in the public sector frequently do strike. The ILO has requested changes to the Penal Code, which criminalizes strikes by government workers in the areas of public safety, with the possible sanction of compulsory labor. The Government does not use this sanction in practice. Many workers in key sectors, including the National Police, have engaged in work stoppages without facing administrative or legal penalty. Solidarity strikes are illegal, but the Government has neither prosecuted those responsible nor imposed penalties. Significant strikes and protests in May centered around annual negotiations over salaries and benefits for public employees and proposed changes in the Government's pro-market economic and social policies. A strike by public health workers in April caused hardship for citizens, and teachers in La Paz struck for a week in early May.

In May a district court sentenced two mining-sector labor leaders to 15 years in prison for their involvement in the death of a police officer during violent protests in 1996; however, there was no apparent evidence linking them directly to the death (see Section 1.a.).

Unions are not free from influence by political parties, but many in organized labor increasingly reject existing

political parties and support movements seeking fundamental change in the economic and political system. Most parties have labor committees that attempt to influence union activity and also have party activists inside the unions.

The law allows unions to join international labor organizations. The COB is an affiliate of the communist, formerly Soviet-dominated, World Federation of Trade Unions.

b. The Right to Organize and Bargain Collectively

Workers may organize and bargain collectively. Collective bargaining, or voluntary direct negotiations between employers and workers without the participation of the Government, is limited. The Labor Code was written in a period in which the COB, which purports to represent all worker groups and interests, had quasi-governmental status and the exclusive authority to negotiate with state-owned enterprises. The practice was for the COB and the Government to negotiate a global agreement on salaries, minimum wages, and other work conditions each year. With the privatization of most of these enterprises, the COB's relevancy has diminished markedly, and the practice of direct employee-management negotiations in individual enterprises is expanding.

The law prohibits discrimination against union members and organizers. Complaints go to the National Labor Court, which can take a year or more to rule due to a significant backlog of cases. The court has ruled in favor of discharged workers in some cases and successfully required their reinstatement. However, union leaders say that problems are often moot by the time the court rules.

Labor law and practice in the seven special duty-free zones are the same as in the rest of the country.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including forced and bonded labor by children; however, the practices of child apprenticeship and agricultural servitude by indigenous workers (see Sections 5 and 6.d.) constitute violations, as do some individual cases of household workers effectively held captive by their employers. The ILO Committee of Experts Observations report that the abuses and lack of payment of wages constitute forced labor in the agriculture sector. In addition, women were trafficked for the purpose of prostitution, and women and children were trafficked for the purpose of forced labor to neighboring countries (see Section 6.f.). Some conscripts are required to perform domestic tasks for officers.

d. Status of Child Labor Practices and Minimum Age for Employment

The law prohibits all work for payment by children under the age of 14; however, this prohibition generally is not enforced. Child labor is a serious and increasing problem. The law prohibits a range of dangerous, immoral, and unhealthy work for minors under the age of 18. Labor law permits apprenticeship for those 12 to 14 years old. The ILO has criticized this practice, which is considered by some to be tantamount to bondage (see Section 6.c.).

Approximately one in every four children between the ages of 7 and 14 is employed in some way. A 1999 study by the ILO estimated that approximately 70,000 children between the ages of 7 and 14 were working in cities, and that approximately 300,000 children in the same age group were working in rural areas. The children usually worked to help provide for family subsistence, in uncontrolled and sometimes unhealthy conditions. Projecting based on 1992 census data, the Government estimated in 1999 that 800,000 children and adolescents between the ages of 8 and 18 were working. The extreme poverty of many families dictates the involuntary employment of their children for motives of survival.

In April the Inter-Institutional Commission for the Progressive Elimination of Child Labor, formed in 1999, formally released a finalized 10-year, \$90 million (585 million bolivianos) "Plan for the Progressive Elimination of Child Labor." The plan, released informally in December 2000, includes programs to address financial, health, education, and other needs of children and calls for incentive programs to poor families to keep children in school, improved governmental enforcement of labor laws, and immediate actions to prevent the worst forms of child labor. However, the plan has little funding, and the Government continued to seek donor support of individual project activities. The plan also calls on the Government to ratify ILO Convention 182 on the worst forms of child labor, which it had not done at year's end.

The Labor Ministry is responsible for enforcing child labor provisions but generally does not enforce them throughout the country. Urban children sell goods, shine shoes, and assist transport operators. Rural children often work with parents from an early age, generally in subsistence agriculture. Children generally are not

employed in factories or formal businesses but, when employed, often work the same hours as adults. Children also work in the mines and other dangerous occupations in the informal sector. Child prostitution is a growing problem (see Section 5).

On May 15, Defense of Children International, an NGO, criticized narcotics traffickers for using children under the age of 14 to transport drugs as "mules."

The old practice of "criadito" service still persists in some parts of the country. Criaditos are indigenous children of both sexes, usually 10 to 12 years old, whom their parents indenture to middle- and upper-class families to perform household work in exchange for education, clothing, room, and board. There are no controls over the benefits to, or treatment of, such children, who may become virtual slaves for the years of their indenture.

The law prohibits forced and bonded labor by children; however, the practices of criadito and agricultural servitude by indigenous workers constitute violations, as do some individual cases of household workers effectively held captive by their employers (see Sections 5 and 6.c.).

e. Acceptable Conditions of Work

In conformity with the law, the minimum wage is subject to annual renegotiation and increased in January by almost 9 percent to approximately \$59 (400 bolivianos) per month, plus bonuses and fringe benefits. After negotiations the Government establishes the minimum wage for the public and private sectors by supreme decree. The minimum wage does not provide a decent standard of living for a worker and family, and most formal sector workers earn more, although many informal sector workers earn less. Although the minimum wage falls below prevailing wages in most jobs, certain benefit calculations are pegged to it. The minimum wage does not cover members of the informal sector, who constitute the majority of the urban work force, nor does it cover farmers, who account for some 30 percent of the working population.

Although not effectively enforced, the law establishes an 8-hour workday and a maximum workweek of 48 hours, limits women to a workday 1 hour shorter than that of men, and prohibits women from working at night (see Section 5). The Labor Ministry's Bureau of Occupational Safety has responsibility for protection of workers' health and safety, but relevant standards are enforced poorly. Many workers have died due to unsafe conditions. However, during the year, the Government began to receive technical assistance in the occupational safety area from an international donor. The Labor Ministry maintains a hot line for worker inquiries, complaints, and reports of unfair labor practices and unsafe working conditions.

Working conditions in the mining sector are particularly poor. Although the State Mining Corporation has an office responsible for safety, many mines, often old and using antiquated equipment, are dangerous and unhealthy. In some mines operated as cooperatives, miners earn less than \$3 (20 bolivianos) per 12-hour day. Miners work without respirators in mines where toxic gases and cancer-causing dusts abound; buy their own supplies, including dynamite; have no scheduled rest periods; and many work underground for up to 24 hours continuously. There are no special provisions in the law defining when workers may remove themselves from dangerous situations. Unless the work contract covers this area, any worker who refuses to work based on the individual's judgment of excessively dangerous conditions may face dismissal.

f. Trafficking in Persons

The law prohibits trafficking in persons for the purpose of prostitution. There are no other laws that specifically address trafficking in persons, although many aspects of the problem are covered in other laws and in the Constitution. Trafficking in women and children is a problem.

There were reports of domestic trafficking in women for the purpose of prostitution. A union leader asserted that employment agencies lure rural indigenous women to cities with promises of employment as domestic servants but then force them to work without salaries to repay transport and other fees and sometimes turn them over to houses of prostitution.

There were credible reports that Bolivia is a country of origin for trafficked persons for forced labor in neighboring countries, especially Argentina, and to a lesser extent Chile and Brazil, although there are no reliable estimates available as to the extent of the problem. A small percentage of economic migrants receive fraudulent information about prospective jobs in neighboring countries, which turn out to be forced labor under harsh conditions. Some of the fraud leading to involuntary servitude originates within the country.

Women and adolescents, especially from indigenous ethnic groups in the altiplano (high plains) region, appear

to be more at risk of being trafficked. Victims generally are trafficked to Argentina to work in agriculture, factories, trades, and as domestic employees; to Chile to work as domestic employees; and to Brazil to work in factories and as domestic employees.

The Government, including top immigration officials, does not facilitate, condone, or otherwise act complicitly in trafficking; however, individual low-ranking employees of various government agencies are known to take bribes to allow various types of smuggling, including contraband and persons. There also are allegations that Minor's Judges, who are responsible for issuing judicial orders that permit adolescents to travel alone, are receptive to bribes to facilitate the issuance of such orders.

The Immigration Service is primarily responsible for combating trafficking, with the assistance of the National Police when active law enforcement investigations are necessary. The Immigration Service has responsibility for all ports of entry/exit and border crossings. There is an interagency Minor's Committee formed to combat trafficking in adolescents for forced labor to neighboring countries. However, the Government lacks the resources necessary to address this problem to a greater extent.

The 1999 Law for the Protection of the Victims of Crimes Against Sexual Freedom specifically outlaws trafficking in persons for the purpose of prostitution and provides for sentences of up to 12 year's imprisonment. Heavier sentences are imposed if the victim is a minor. There are also laws prohibiting the falsification of government documents, such as passports, visas, and civil registry documents. In addition, the Penal Code prohibits slavery or an "analogous state," and it is punishable with 2 to 8 years of imprisonment. The Government also cooperates with other governments to investigate and prosecute trafficking cases. There were no known prosecutions during the year.